

REMARKS

I. Introduction

In response to the Office Action dated March 11, 2010, claims 1, 3, and 4 have been canceled and claim 5 has been amended. Claim 5 remains in the application. Re-examination and re-consideration of the application, as amended, is requested.

II. Prior Art Rejections

On pages (2)-(5) of the Office Action, claims 1 and 3 were rejected under 35 U.S.C. §103(a) as being obvious in view of the combination of Chang et al., WO 01/19868 (Chang), Peng et al., WO 03/100020 (Peng), Brake et al., "Alpha-factor-directed synthesis and secretion of mature foreign proteins in *Saccharomyces cerevisiae*," (Brake), Lee et al., U.S. Publication 2007/0031379 (Lee), Sanchez-Torres et al., "A cellulase gene from a new alkalophilic *Bacillus* sp. (strain N186-1). Its cloning, nucleotide sequence and expression in *Escherichia coli*," (Sanchez-Torres), and Osborne et al., "Mutational analysis of a yeast transcriptional terminator," (Osborne).

On pages (5)-(6) of the Office Action, claim 4 was rejected under 35 U.S.C. §103(a) as being obvious in view of the combination of Chang, Peng, Brake, Lee, Sanchez-Torres, Watt et al., US 7,270,969 (Watt), Osborne, and Kumar et al., "Investigations into the polymorphisms at the ECM38 locus of two widely used *Saccharomyces cerevisiae* S288C strains," (Kumar).

While Applicants respectfully traverse these rejections, in order to further the prosecution of the instant application, claims 1, 3, and 4 have been canceled without prejudice herein above to focus the application on the subject matter identified as allowable by the USPTO. These amendments render the outstanding rejections moot.

III. Allowable Subject Matter

On page (8) of the Office Action, the Examiner stated that claim 5 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants' attorney has amended claim 5 herein above to now be in independent form. This amendment is fully supported by the application as filed and introduces no new matter.

IV. Conclusion

In view of the above amendments, it is submitted that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe minor matters still remain that can be resolved in a telephone interview, the Examiner is urged to call Applicants' undersigned attorney.

Respectfully submitted,

GATES & COOPER LLP
Attorneys for Applicant(s)

Howard Hughes Center
6701 Center Drive West, Suite 1050
Los Angeles, California 90045
(310) 641-8797

Date: June 11, 2010

WJW/dhw

G&C 118.24-US-WO

By: /William J. Wood/
Name: William J. Wood
Reg. No.: 42,236